IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.132 OF 2006

IN

WRIT PETITION NO.2116 OF 2005

...

Kalina Welfare Merchant Association ..Petitioner

v/s.

T. Chandrashekhar and ors. ..Respondents

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Mr.O.K.Shaikh for the Petitioner.

Ms.A.R.Joshi for Respondent No.3.

Ms.Kiran Bhagalia i/b Ms.Asha Bhambwani for Respondents Nos.2, 4 & 5.

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CORAM: D.K.DESHMUKH, J.

DATED: 20TH MARCH,2007

P.C.:

1. By this petition the Petitioners allege that the Respondents have willfully violated the order dated 1st March, 2006 passed by this court, specially the order contained in paragraph 4 of the order. Paragraph 4 of the order reads as under:-

> 4. We may observe that the experience that the city had on 26th July, 2005, must open the eyes of the concerned authorities necessitating swift action and avoidance of past experience. In our view, in the light of the survey that has already been conducted, it should be the endeavour of the Collector, MSD to ensure that all 3600 encroachers are removed by 31st May, 2006. We order accordingly and direct the Collector, Mumbai Suburban District to ensure the removal of 3600 encroachers having their structures within 30 meters width on either side of the river by 31st May 2006 and that they are also rehabilitated by that date.

2. According to the Petitioner, it is an Association whose members constitute various residential and small industrial tenements situated along the Mithi River and also at other places. There is nothing in the petition, whether this Association is registered under any law, what is the status of this Association.

3. Perusal of paragraph 4 quoted from the judgment of the High Court shows that the direction is for rehabilitation of 3600 encroachers. In the petition there are vague and general allegations made. No attempt has been made to identify those 3600 persons. It is also not made clear whether all those 3600 persons are members of the Petitioner/Association. The grievance is that as per the High Court order the encroachers have not been rehabilitated. Alongwith the Petition, the Petitioner has produced a letter-cum-notice, which shows that there was an attempt to rehabilitate the persons as per the order of the High Court. If the grievance is that rehabilitation is not in consonance with the order of the High Court, then it was for the Petitioner to point out what is the scheme of the High court’s

order for rehabilitation. There is nothing in that regard disclosed in the petition.

4. It is obvious that the petition has no substance. Petition is rejected. The Petitioner is directed to pay as and by way of costs of this petition Rs.15000/- (Rupees Fifteen Thousand) to each of the Respondent. Costs to be paid within a period of two weeks from today.

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